

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

IN RE: Michael Paul Lake  
Mai Thi Lake  
Debtors

Case No. 12-74189

**OBJECTION TO CLAIM AND  
NOTICE THEREOF**

NOW COMES the Chapter 13 Standing Trustee, Michael P. Cotter, ("Trustee") and in support of his Objection to Claim and Notice Thereof states as follows:

1. The Trustee objects to the allowance of Claim Number 7 filed on October 24, 2012, by  
  
USAA Federal Savings Bank  
P. O. Box 821568  
Dallas, TX 75382-1568
2. This secured claim was allowed in the amount of \$12,172.24 at an interest rate of 5.50%.
3. To date, the Trustee has made disbursements on Claim No. 7 in amount of \$0.00 as principal and \$0.00 as interest as of December 31, 2012.
4. The Trustee has been notified by USAA Insurance Company that the Debtors' 2007 Hyundai (VIN #1GGCS199878701734) vehicle has been deemed a total loss and settlement proceeds are \$16,147.43.
5. Insurance proceeds in the amount of \$15,792.53 will be disbursed to USAA Federal Savings Bank by USAA Insurance Company. The Debtors will receive \$354.90 from USAA Insurance Company.
6. The Trustee recommends that the secured claim in the amount of \$12,172.24 at an interest rate of 5.50% be **DISALLOWED** as filed. The secured proof of claim has been paid in full and the Trustee shall make no further disbursements on such claim.

Notice is hereby given to the above-named creditor that unless such creditor files with the Clerk of the United States Bankruptcy Court, U.S. Bankruptcy Court, 600 Granby Street, 4<sup>th</sup> Floor, Room 400, Norfolk, VA 23510, a request for a hearing upon this objection and mails a copy thereof to the undersigned within thirty (30) days of the date of service, the Trustee will present to the Court for entry an Order disallowing the creditor's claim or allowing the creditor's claim in the amount recommended by the Trustee.

Dated this 22st day of January, 2013.

/s/ Michael P. Cotter

Michael P. Cotter

Chapter 13 Standing Trustee

#### PROOF OF SERVICE

I hereby certify that on January 22, 2013, a true copy of the foregoing Objection was mailed, postage prepaid, to USAA Federal Savings Bank, P. O. Box 821568, Dallas, TX 75382; Registered Agent, CT Corporation System, 4701 Cox Road, Suite 301, Glen Allen, VA 23060-6802; USAA Federal Savings Bank, 10750 McDermott Freeway, San Antonio, TX 78288-9876; Mark H. Wright, CEO, 10750 McDermott Freeway, San Antonio, TX 78288-9876; Michael Paul Lake and Mai Thi Lake, 2257 Rock Lake Loop, Virginia Beach, VA 23456; and Steve C. Taylor, Esquire, 133 Mt. Pleasant Road, Chesapeake, VA 23322.

/s/ Michael P. Cotter

Michael P. Cotter

Chapter 13 Standing Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

IN RE: Michael Paul Lake  
Mai Thi Lake  
Debtor(s)

Case No. 12-74189

**NOTICE OF TRUSTEE'S OBJECTION TO PROOF OF CLAIM**

Michael P. Cotter, Chapter 13 Trustee, has filed papers with the Court objecting to the Proof of Claim filed by USAA Federal Savings Bank.

Your rights may be affected. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

**If you do not want the court to eliminate or change your claim sought in the notice, or if you want the court to consider your views on the notice, then on or before February 20, 2013, you or your attorney must:**

File with the court, at the address shown below, a written request for a hearing {or a written response pursuant to Local Bankruptcy Rule 9013-1(11)}. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk, United States Bankruptcy Court  
Walter E. Hoffman United States Courthouse  
600 Granby Street  
Norfolk, VA 23510

You must also mail a copy to:

Michael Paul Lake  
Mai Thi Lake  
2257 Rock Lake Loop  
Virginia Beach, VA 23456

Steve C. Taylor, Esquire  
133 Mt. Pleasant Road  
Chesapeake, VA 23322

Michael P. Cotter, Trustee  
870 Greenbrier Circle, Suite 402  
Chesapeake VA 23320

If you or your attorney do not take steps, the court may decide that you do not oppose on the notice and may enter an order granting that relief.

MICHAEL P. COTTER, TRUSTEE

BY /s/ Michael P. Cotter

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2013, a true copy of the foregoing Objection was mailed, postage prepaid, to USAA Federal Savings Bank, P. O. Box 821568, Dallas, TX 75382; Registered Agent, CT Corporation System, 4701 Cox Road, Suite 301, Glen Allen, VA 23060-6802; USAA Federal Savings Bank, 10750 McDermott Freeway, San Antonio, TX 78288-9876; Mark H. Wright, CEO, 10750 McDermott Freeway, San Antonio, TX 78288-9876; Michael Paul Lake and Mai Thi Lake, 2257 Rock Lake Loop, Virginia Beach, VA 23456; and Steve C. Taylor, Esquire, 133 Mt. Pleasant Road, Chesapeake, VA 23322.

/s/ Michael P. Cotter  
Michael P. Cotter  
Chapter 13 Standing Trustee